

DAC
JFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Kimball et al.

Serial No.: 10/055,523

Filed: January 23, 2002

For: **Dual Feedback Linear Amplifier**

Attorney's Docket No: 4740-039

Patent Pending

Examiner: Mr. Michael B. Shingleton

Group Art Unit: 2817

Confirmation No.: 9349

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop 4 (Certificate of Correction Branch), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 273-8300.

August 19, 2005

Date

Season Munck

PETITION FOR PRIORITY CLAIM BENEFIT UNDER 35 U.S.C. § 120/37 C.F.R. § 1.78

Patentee hereby petitions pursuant to 35 U.S.C. § 120 and 37 C.F.R. § 1.78 for priority claim benefit in the instant application. Attached or included herewith are the following items:

1. The reference required by 35 U.S.C. § 120 and paragraph (a)(2) of 37 C.F.R. § 1.78, attached herewith as an Amendment to Correct Priority Claim;
2. The surcharge set forth in § 1.17(t) enclosed by check in the amount of \$1,370; and
3. The statement regarding unintentional delay as required under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78, which appears below.

The originally filed application included the required "Related Applications" section and claimed priority under 35 U.S.C. § 120 from U.S. Patent No. 6,300,826 B1 through the then co-pending patent application Serial No. 09/911,105, which was a

08/23/2005 TBESHAH1 00000011 10055523

01 FC:1454

1370.00 0P

continuation of the 6,300,826 patent. The originally filed Related Applications paragraph from the instant application as filed appears below for reference:

[0001] This application claims priority under 35 U.S.C. § 120 from the co-pending application Serial No. 09/911,105, entitled "Apparatus and Method for Efficiently Amplifying Wideband Envelope Signals," filed on July 23, 2001, and which is a continuation of the now-issued and identically titled U.S. Patent No. 6,300,826 B1, and from which priority also is claimed.

As apparent from the above paragraph, Applicant failed to identify explicitly the relationship between the instant application and the priority references. That is, Applicant failed to state that the instant application was a continuation-in-part of the identified priority references. It is believed that failure accounts for the Patent Office's omission of any priority claim from the filing receipt received for the instant application.

Unfortunately, that omission was not noticed until now. Applicant now requests that the intended priority claim benefit be granted for the instant application. Applicant asserts that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of Section 1.78 of 37 C.F.R. and the filing date of this petition was unintentional.

Of course, if any additional showing is required, or if there are any questions regarding this petition, please call the undersigned attorney at (919) 854-1844.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



Michael D. Murphy
Registration No.: 44,958

Dated: August 19, 2005

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844
Facsimile: (919) 854-2084



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Kimball et al.

Serial No.: 10/055,523

Filed: January 23, 2002

For: Dual Feedback Linear Amplifier

Attorney's Docket No: 4740-039

)
)
) Patent Pending

)
) Examiner: Mr. Michael B. Shingleton

)
) Group Art Unit: 2817
)
)
)
)
)
)

Attention: Office of Petitions
MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 273-8300.

August 19, 2005

Date


Season Munk

AMENDMENT TO CORRECT PRIORITY CLAIM

This paper is being filed in support of Applicant's petition for priority claim benefit. While no fees should be required for entry of this response, if any fees or charges are required, the Commissioner is hereby authorized to charge them to Deposit Account 18-1167.

AMENDMENTS TO THE SPECIFICATION

In the "Related Applications" section of the instant application, please replace the first paragraph ([0001]) with the following paragraph:

[0001] This application claims priority under 35 U.S.C. § 120 ~~from~~ as a continuation-in-part of the co-pending application Serial No. 09/911,105, entitled "Apparatus and Method for Efficiently Amplifying Wideband Envelope Signals," and filed on July 23, 2001 ~~[[,]].~~ That application, now issued as U.S. Patent No. 6,583,664, ~~and which~~ is a continuation of the now-issued and identically titled U.S. Patent No. 6,300,826 B1, ~~and~~ from which priority also is claimed.

REMARKS

As Applicant noted, this amendment accompanies the petition for benefit of priority claim, and provides corrected priority claim text. Specifically, the corrected priority claim identifies the relationship between the instant application and the related applications.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

Dated: August 19, 2005



Michael D. Murphy
Registration No.: 44,958

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844
Facsimile: (919) 854-2084